

REMARKS

In the Office Action dated October 29, 2004, claims 1-9, 19-25, 29, and 32 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 6,333,968 (Whitlock).

Applicant acknowledges the indication that claims 10-18, 26-28, 30, and 31 would be allowable if rewritten in independent form.

Claims 10, 26, and 30 have been rewritten in independent form, with their scope *unchanged*, to place the claims in condition for allowance.

Amended claim 1 is not disclosed by Whitlock. Whitlock does not teach an X-ray generating apparatus having spaced apart first and second semiconductor structures that provide a space through which electrons emitted from an emitter travel. With respect to claim 32, the Office Action had identified elements 68, 72 shown in Fig. 2b of Whitlock as being two semiconductor structures. However, electrodes 72 and insulating film 68 are not spaced apart from each other such that emitted electrons can travel in a space between the first and second semiconductor structures. Therefore, claim 1 is not anticipated by Whitlock.

Independent claim 32 is also similarly not anticipated by Whitlock, which does not disclose a path extending along a space between two semiconductor structures for electrons.

Amended independent claim 21 is not anticipated by Whitlock, which does not disclose a deflecting mechanism having electrodes formed on first and second semiconductor structures to direct emitted electrons along a path between the first and second semiconductor structures.

Dependent claims, including newly added dependent claims 33-37, are allowable for at least the same reasons as corresponding independent claims.

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Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200309722-1).

Respectfully submitted,

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